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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,574	12/20/2001	Kenneth Sugrim Singh	US010554	3288

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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT PAPER NUMBER

2617

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/028,574	<b>Applicant(s)</b> SINGH, KENNETH SUGRIM	
	<b>Examiner</b> Michael Van Handel	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim **22** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 22 is directed to a datastream, which is considered to be nonfunctional descriptive material. See MPEP 2100.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-4, 8-11, 15-18, 22** are rejected under 35 U.S.C. 102(b) as being anticipated by Harrison.

Referring to claims **1, 8, 15, and 22**, Harrison discloses a system/method for extending unattended control capabilities for a video receiver, comprising:

- a shell for executing scripts controlling demodulation of broadcast programming (the examiner notes that a processor processes data and instructions stored in a main memory. These data and instructions provide communication between a user and an

operating system, thus performing the operation of a shell)(col. 3, l. 6-13, 21-31)(Fig. 1); and

- a memory containing at least one script including a sequence of commands for demodulating selected broadcast programming (the examiner notes that the personal profile stores trigger data and an action to be performed in response to a recognized trigger. Since a set of actions are performed in recognition of a trigger, the profile performs the operation of a script), wherein the at least one script is executable by the shell to select broadcast programming for demodulation and display or recording from among one or more concurrently airing programs each matching at least one of a plurality of user-specified descriptive criteria, wherein said at least one script employs associated previously-defined user priorities or conditions to select between conflicting matches or routing options (col. 3, l. 53-67, col. 4, l. 1-11, 43-67, & col. 5, l. 11-40)(Figs. 3A-3B).

Referring to claims **2**, **9**, and **16**, Harrison discloses the system/method as set forth in claims 1, 8, and 15, respectively, wherein the at least one script identifies the selected broadcast programming by at least one of:

- one or more channels on which the selected broadcast programming is to be broadcast and one or more time periods during which the selected broadcast programming is to be broadcast;
- a title of the selected broadcast programming; and
- keywords describing the selected broadcast programming (col. 4, l. 47-50).

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The USPTO considers the applicant's "at least one of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

Referring to claims **3**, **10**, and **17**, Harrison discloses the system/method as set forth in claims 1, 8, and 15, respectively, wherein the at least one script, when executed by the shell, controls operation of the video receiver to cause a sequence of programs broadcast during separate contiguous time periods on different channels to be demodulated and displayed by the video receiver (the examiner notes that in time, different programs on different channels will be displayed in accordance with the triggering and priority data stored in the profile)(col. 6, l. 6-15).

Referring to claims **4**, **11**, and **18**, Harrison discloses the system/method as set forth in claims 1, 8, and 15, respectively, wherein the at least one script, when executed by the shell, controls operation of the video receiver to cause the selected broadcast programming to be demodulated and transmitted to a recording device (col. 4, l. 54-56)(Fig. 3A).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **5**, **12**, **19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Liebenow.

Referring to claims **5**, **12**, and **19**, Harrison discloses the system/method as set forth in claims 4, 11, and 18, respectively. Harrison does not disclose a method of, prior to causing the

selected broadcast programming to be demodulated and transmitted to a recording device, checking for previous demodulation and transmission of the selected broadcast programming to the recording device, wherein execution of the at least one script is terminated if the selected broadcast programming was previously demodulated and transmitted to the recording device. Liebenow discloses a method of determining whether or not a program has been previously recorded, and if it has, inhibiting the recording of the program (col. 5, l. 27-38, 58-67 & col. 6, l. 1-3). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Harrison to determine whether or not a program has been previously recorded, and inhibit the recording of a program if it has, such as that taught by Liebenow in order to allow a user to employ a record function without having to worry about inadvertently recording duplicate programs (col. 1, l. 29-31).

5. Claims **6, 7, 13, 14, 20, 21, 22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison in view of Zigmond et al.

Referring to claims **6, 7, 13, 14, 20, and 21**, Harrison discloses the system as set forth in claims 1, 8 and 15. Harrison does not disclose receiving a script together with a broadcast programming stream including selected broadcast programming or receiving a script from an external source separate from a broadcast programming stream including selected broadcast programming. Zigmond et al. discloses receiving a logical address link either in a broadcast video signal (col. 10, l. 16-22) or from a different data supplier (col. 9, l. 62-67 & col. 10, l. 1-3, 13-15). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Harrison to receive instruction data either in broadcast

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programming or from a different data supplier, such as that taught by Zigmond et al. in order to provide an intelligent mechanism for communicating instruction data (col. 2, l. 28-29).

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellis et al. discloses a client-server electronic program guide.

Weightman discloses program control through a command application method.

Berenson et al. discloses a web-driven calendar updating system.

Ficco discloses device control via digitally stored program content.

Mori et al. discloses a program preselecting/recording apparatus for searching an electronic program guide for programs according to predetermined search criteria.

Park et al. discloses enabling and/or disabling selected types of broadcast triggers.

Kawakami et al. discloses a motion picture reproducing middleware selecting/executing device and method.

Pezzillo et al. discloses an apparatus and method of using the same for internet and intranet broadcast channel creation and management.

Inoue et al. discloses an information receiving system and method.

Blacketter et al. discloses communicating scripts in a data service channel of a video signal.

Arai et al. discloses a method and apparatus for producing program information and a receiving apparatus for processing the program information.

Del Sesto et al. discloses configurable monitoring of program viewership and usage of interactive applications.

Graves et al. discloses an apparatus and method of selecting video programs based on viewers' preferences.

Levitan discloses an apparatus for providing a virtual personal channel in a television system.

Ozawa discloses a method and apparatus for controlling set-top box hardware and software functions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Van Handel



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MVH



**VIVEK SRIVASTAVA**  
PRIMARY EXAMINER